REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 1, 18, 20, 23, 24, 26, 29 and 34 have been amended as shown on pages 2-8 of the Reply. Claims 3, 11, 19, 25 and 30 have been cancelled and the limitations previously recited therein have been incorporated into claims 1, 18, 23, 24, 29 and 34. Applicant's representative contends the amendments put the application in better condition for allowance and that no new search is necessitated by the amendments. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. **Rejection of Claims 1-34 Under 35 U.S.C. §102(b)**

Claims 1-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Joao (US 6,549,130). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Joao does not disclose each and every limitation set forth in applicant's claims.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that *"**each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed invention relates to a system that electronically locks the physical operation of dangerous equipment by analyzing electronic key data. The electronic key and lock system is used in place of physical locks on circuit breakers and the like. In particular, independent claim 1 as amended (and similarly amended independent claims 18, 23, 24, 29, and 34) recites a system that electronically controls a physical operation of dangerous equipment comprising *an electronic key that stores electronic key data separately from the dangerous equipment, the electronic key data comprises at least one of key holder identity information, key holder task, and estimated time to complete the key holder task,* an electronic key reader that reads the electronic key data from the electronic key, *the electronic key reader performs at least one of logging electronic key data, logging times when the operation of the piece of dangerous*

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equipment is disabled, logging times when the operation of the piece of dangerous equipment is enabled, logging electronic key holder medical information, logging electronic key holder tasks, logging electronic key holder identity, scheduling dangerous equipment operation, scheduling related equipment operation and performing electronic data interchange, an electronic key data analyzer that is associated with the electronic key reader, the electronic key data analyzer analyzes the read electronic key data by determining parameters for disabling the dangerous equipment and generates disconnect control data based, at least in part, on the electronic key data and a disconnector that is associated with the electronic key data analyzer and the dangerous equipment, the disconnector disables and re-enables operation of the dangerous equipment, based at least in part on the disconnect control data. Joao does not teach or suggest such claimed aspects.

Joao relates to an anti-theft system that enables an authorized user to disable a vehicle remotely by sending a disable code if it is stolen. (*See* Summary). An authorized user activates the anti-theft apparatus located on a vehicle by sending an access code from a remote transmitter to a receiver of the apparatus. After activation, the authorized may transmit a command code such as a vehicle disable code, a vehicle re-enable code or a monitoring code. (*See* Summary). A CPU associated with the apparatus identifies the command code by utilizing a processing routine. The code identification routine is performed by testing the command code or code data against pre-determined codes and code data stored in the apparatus program memory. (*See* col. 32, ll. 20-50). As an alternative to remote transmitter, the apparatus may be coupled to an arming device and an activation device located within the vehicle. The arming device and activation can be utilized to activate the apparatus and input command codes. The arming and activation device can further be utilized to alter the pre-defined codes stored in the apparatus program memory. (*See* col. 42, line 45 – col. 43, line 67).

However, Joao does not disclose logging electronic key data, electronic key holder identity, electronic key holder tasks and electronic key holder medical information as recited by the claimed invention. Rather, Joao relates to a system for monitoring vehicle status or location to facilitate recovery of the vehicle after theft. The user may input a monitoring code and the anti-theft system will convey to the user the current status of the vehicle and/or position of the vehicle at the time the code is input. (*See* col. 7, ll. 44-55). In the subject invention, the electronic key reader may log a plurality of data in order to create a maintenance history that

would typically be kept by hand. (*See* pg. 16, ll. 2-20). Thus, Joao allows the present condition of the car to be viewed but is silent regarding logging a plurality of data such as electronic key data and electronic key holder identity as recited by independent claim 1 (and similarly by independent claims 18, 23, 24, 29 and 34). Therefore, Joao fails to disclose, teach or suggest this limitation of the subject claims.

Moreover, Joao does not disclose *the electronic key data comprises at least one of key holder identity information, key holder task, and estimated time to complete the key holder task* as recited by the claimed invention. Rather, Joao relates to the input and processing of access codes and command codes. The access code activates the anti-theft apparatus and the command codes are instructions to disable the vehicle ignition system or other vehicle system. (*See* Summary). The authorized user through a touch-tone telephone keypad may enter the access code and command code. (*See* col. 29, ll. 46 – 61). Thus, the access codes and command codes are numeric strings. The numeric string disclosed by Joao is distinct from the electronic key data stored on the electronic key of the claimed invention. As claimed in independent claim 1 (and similarly in independent claims 18, 24, 29 and 34), the electronic key data comprises at least one of key holder identity information, key holder task, and estimated time to complete the key holder task whereas Joao relates to a numeric string that identifies a particular command operation. Thus, key data in Joao is a numeric string and not a complex data structure comprising key holder identity information, key holder task and estimated time to complete the task. Therefore, Joao fails to disclose, teach or suggest this limitation of the subject claims.

In view of the at least the foregoing, it is readily apparent that Joao does not teach or suggest each and every limitation as recited in independent claims 1, 18, 23, 24, 29 and 34 (and the claims that depend there from). Accordingly, it is respectfully requested that this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP230US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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